

Remarks

Claims 1-13, 15, and 16 are pending. Claim 14 has been canceled. Claims 1 and 16 are amended.

The specification has been amended on page 8 to reflect the issuance of U.S. Patent No. 6,483,957 (Hamerly et al.) in the identified application (Attorney docket no. 56130USA3A).

The specification has been amended on page 9 to reflect the publication (U.S. Patent Application Publication US 2002/0195674 A1 (Weaver et al.)) of a continuation application based on U.S. Patent application serial no. 09/659,572 and issuance of U.S. patent application serial no. 09/659,798 as U.S. Patent No. 6,531,947 (Weaver et al.).

Support for the amendment to claims 1 and 16 may be found, for example, in canceled claim 14.

§ 102 Rejections

Claims 1-13, 15, and 16 stand rejected under 35 USC § 102(a) as being anticipated by Abushagur et al. (PCT)WO 00/79311 A2.

The Patent Office asserts that Abushagur et al. '311 teach in FIG. 9 an optical communication switch, which fully meets Applicant's claimed limitations.

Without agreeing to the grounds of rejection as set forth in the present Office Action, Applicants note that Claims 1 and 16 have been amended to include the features of canceled claim 14. Claim 14 was indicated to be allowable by the Patent Office in the present Office Action. It is submitted that amended claims 1 and 16 are therefore patentable. Claims 2-13 and 15 depend from patentable claim 1, and are therefore likewise patentable.

The rejection of claims 1-13, 15, and 16 under 35 USC § 102(a) as being anticipated by Abushagur et al. has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Allowance of claims 1-13, 15, and 16, as amended, at an early date is solicited.

Respectfully submitted,

August 1, 2003
Date

By: Bradford B. Wright
Bradford B. Wright, Reg. No.: 34,459
Telephone No.: (651) 736-4172

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833